1: Coon E-5 (1926-1927) 1931 MX3 Rif MX3

CHAPTER VIII

MARKETS

DIFFERENT aspects of this subject have already been discussed in the chapters dealing with material culture, social organization, and government.[1] Since indeed the primary purpose of the market is economic, it is the seat of operation of an interesting social class, and likewise often the local administrative center. Hence, little remains for description save the general scheme and coördination of the whole.

A market meets weekly on a fixed day and in a fixed place. There is usually but one to a *canton*, although this rule, like all others, has its exceptions. The days and locations of markets are so correlated that it is possible for a person living in almost any place to reach a market on foot and return home again on any day of the week except Friday, when markets are never held. The word for market in both *thamazighth* and Arabic is *suḳ*, and markets are given the names of the days on which they are held. Thus all markets meeting on Thursday are called *suḳ el khemis*, or simply *el khemis*. Markets meeting on the same day are distinguished by the addition of the names of the places in which they are held.

Thursday markets are more important than the others, as a general rule, because Friday is the Mohammedan sabbath and provisions for it must be obtained in advance.

Each market is administered by the council of the great of the *canton*. This body has a house, or among the nomads, a tent, in or on the outskirts of the market. (See plate 30.) On market days it generally meets in a room of this edifice. Most such houses have a second room which is used as a rest-room for people attending the market, or as a guard-house for retainers of the councillors. Cases which have accumulated during the week are brought before the council of the great at this time, since defendants in situations which concern the councillors often prefer to postpone their appeals or complaints until market day rather than request the moderator of the council of the great to have a special meeting called for a single case.

Any offenses committed in market are considered more serious than if committed elsewhere, and are more heavily fined; offenses which would otherwise concern the village council are brought to the attention of the council of the great if committed in market.

The division of spoils among the members of a *canton* who have participated in a tribal war is often made in market.

In the markets under the authority of the Ikhemrijen, firearms must be left outside before their owners may enter. In other markets rifles were usually carried before the European occupation. Serious fights sometimes arose in markets, in some cases so severe that the tribal council convened and decreed the market closed forever, lest the sight of the place where kinsmen had died might in future remind members of the different *bones* of their mutual grievances and incite them to further violence.

The chief purpose of every market is of course the buying and selling of goods. (See plates 30, 31, and 32.) The vendors of different articles are segregated according to their wares, the cloth merchants, the women selling pottery, and so forth. The butchers are rele-

[1] Chapters IV–VII.

443 [673] [727] [p. 109]

685 3) theft, with corresponding fines, and even one of the thief's kinsmen putting out his eyes[61].

673 671 If there are certain crimes, known to all and carrying with them sanctions also known to all, which do not (translator's italics) appear in the qanuns (such as bestiality[52A], etc.), they are kept out purposely because of the shame, the hashuma, of those who formulate the decrees. In other instances (such as certain misdemeanors having to do with agriculture and fields), they are kept out because their inclusion is difficult and they are also sufficiently well known to and by all concerned so that they do not need to be put in. In still other cases, they are kept out because they are questions of custom which require consultation with men of laws or arbiters. Finally, these are all misdemeanors the nature of which, in one way or another, is inadequate to be put before the public in special announcements by market criers.

I) Miscellaneous Data on Fines for Lesser Offenses:

1) Among the Ibuqquyen:

224 a) Hunting[63]: Saturday is the day for hunting (rayāh or [689] thingimarth)[64]. Whoever does not attend pays a 5-peseta fine[65], and altercations during hunting are punished by a fine or by giving a meal to the other hunters. Animals killed do not belong to the man who kills [685] them but to the man who finds them[66]. Damages to cultivated lands are paid for by those who caused them. If it is not known who was responsible, the fine is divided up among all the hunters[67]. Any birds or eggs which are found by one of the hunters during the hunt are divided up [425] amongst them all. Any other objects found which are obviously lost articles of a third party are returned to their owners.

A, [This should read "62" not "52"--Analyst]

4. QANUN OF THE JAMA'A OF IMHAWLEN[31] (AITH WARYAGHAR):

A) Qanun:

692 621 614 [693] Praise be to God. Those of the jama'a of Imhawlen appeared for judgment in front of both the undersigned notaries, and presented themselves to us: al-Hajj Shu'aib; Muhammad bin Muhammad bin Misa'ud and his brother Muhammadi; Qaddur bin ask-Shaikh Muhammad bin 'Abd as-Salam and his brother Muhammad; al-Muqaddam Muhammadi bin Muhammad bin Ahmad and his brother 'Allush; 'Abdallah bin al-Hasan; Muhammad bin 'Azzuz; Hammu bin Muhammad bin 'Ali and his uncle Shu'aib bin Shu'aib; Muhammad bin Muhammad bin Muhammad bin Musa; Muhammad bin Muhammad bin Ahmad bin al-Hasan; Muhammadi Amzzyan; Awlad al-Muqaddam Shu'aib bin Muhammad bin Shu'aib and their brother Hammu; Muhammadi bin al-Muqaddam and his brother 'Umar[83A], and their brother Hammu. 621 692 693 All these persons are of the jama'a of Imhawlen, and all appeared for judgment (at the present act), agreeing in behalf of what is good and advantageous to the making of the agreement, with respect to the hannash (evil doers; also snake charmers), to robberies and all acts of lowliness and ignominy (Blanco: note a).

685 689 In case any thief or smuggler should be caught in flagrante delicto, he must pay 10 mithqals in money (Blanco: note b).

695 Regarding the above, the interested parties testified. The Murabit Si Muhammad Dardushi and the Murabit Muhammad bin 'Abd al-Qadir 784 al-'Azizi attended the present act with them. Whoever changes or alters this agreement must answer to God, who shall decree his punishment. Those who commit misdeeds (on earth) shall know the change in the other life (Blanco: note c).

A, A ["83" apparently does not refer to any footnote here and therefore should be disregarded--Analyst]

623 Thus public
182 esteem and the ideas which such deeds provoke in others are regained;
673 they satisfy the mass of the people without having to resort to cru-
687 elty, for.....in a truly humane feeling, note c in the text shows that
695 the author of the crime must have been caught in flagrante delicto.
627 Discounting possible vengeance and not very sure of having succeeded in
623 doing so, note e in the text shows the institution of a popular tri-
554 bunal formed by two neutral individuals, two men who neither take part
671 in the agreement nor are members of the jma'th, but the fact that they
have prestige in it is a maximum guarantee of the workability of the
qanun in question.

623 Furthermore, the jma'th as a social unit is personified not in
621 its mqaddim, in the Arab manner, but, hostile to personal power, in a
triumvirate formed by three of the legislators who took part in the
meeting and who remain obligated to watch over the fulfillment of the
agreement. This executive organ of power is made up of laymen, and it
as much as the aforementioned tribunal is the result of popular election.

671 In the few lines which this qanun has, aside from creating a
624 a code, a tribunal and a police force, all of which are, naturally,
182 gratuitous, it creates a rural exchequer, and all this with a good,
natural and admirable feeling.

182 It restricts, through fear of fines, damages to the small social
671 unit it represents by guaranteeing the safety of property and discard-
626 ing cravings for economic expansion at the expense of member lineages.[35]
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613

691 It creates lineage authorities whose jobs are gratuitous, and,
613 always suspicious, it avoids concentration of power in the hands of one
661 person, a fact which permits neither a shade of tyranny by the latter
182 nor a bastardization of his office.

623 the imposition of minimal social obligations (education and hospitality), the equal division of duties and work, and, finally, nomination of a man to represent the jma'th and to see that local law is enforced.

This jma'th and its representative were legitimate organs of the people, an authentic and faithful reflection of the feeling and convenience of its members, live and efficient organisms. Today a 623 179 182 rigid Arab framework and its imposed and despotic representatives has submerged the jma'th, without any alternative other than the hatred or scorn of its members, according to whether the chief is a tyrant, or a slave to his needs or whims.

436 For an analysis of the proportioning of the punishment, it is 681 well to know the equivalents of the Rifian monetary system, as follows:[41]

Mithqal--2 Spanish pesetas

Bsita--0.60 Spanish pesetas

Rbi'a--0.50 Spanish pesetas

Uqiyya or Spanish onza, "ounce"--0.20 Spanish pesetas

Ujjhain (two muzunas)--0.10 Spanish pesetas

Muzuna or Spanish blanquillo, "little target"--0.05 Spanish pesetas.

681 With these data to hand, we may now establish the framework of 673 fines which occur in the qanun commented upon, in the following order:

Theft by day, of cereals or fruits (figs, etc.)--100 pesetas

Theft by night, in the orchards or gardens--20 pesetas

Threats with firearms--20 pesetas

Thefts by day, in the orchards--10 pesetas

Threats with knives or daggers--5 pesetas

Damages to dams--5 pesetas

681
673 Recalcitrance toward hospitality--5 pesetas

Disobedience to other agreements of the iziddifen--5 pesetas

Incompletion of contractual obligations to the schoolmaster--2 pesetas

Damages to irrigation ditches--2 pesetas

Damages caused by animals in land just sown--0.50 pesetas

673 An examination of this graded scale shows us with evident
623 clarity the importance which the jma'th attributed to acts committed
685 against it, those against property emerging as the gravest and most
423 feared; for the property of the jma'th was its support and sustenance, and its members placed the strongest penalty upon possible theft of its scarce food reserves in order to avoid such temptations.

623 The principal obsession of the jma'th as an institution is,
423 then, the defense of its property and the avoidance of agressions
578 among its members (author's italics), whose simple intention (author's italics) it punishes, in order to avoid quarrels.

623 Although rudimentary, it aims to fulfill the defensive needs of the whole social unit. It is not warlike, nor is it in the least
[193] religious, if we consider the very slight importance which it concedes toward sustenance of the fqih (two pesetas of the fine).[42] It is
[574] purely and simply a social unit which places much more importance on the duties of hospitality to guests, for example.[43]

[623] But it is humane. There are no lashings or mutilations, as
[681] instituted by Muslim law, with or without Qur'anic ceremonial; nor is there any deprivation whatsoever of personal liberty in the manner of
[554] European codes. Neither is it proud, converting the legislators into demi-gods, thanks to immunities and other profits....It aids them to

628 After the fixing of the ddiyith[62], there is the most laborious
671 agreement and the most hurried need for its enforcement; and the rest
673 of the resolutions have no objective other than that of embellishing
681 this, establishing a graded scale in conformity with the external manifestations of lesser crimes, which the Rifians did not deem necessary to put down in detail in their qanuns, in order to facilitate an easier mnemonic retention of the principal transgressions and resultant fines.

671 It points out theft with an admirable simplicity, according to
685 what is stolen, and it doubles the fine for a rustler of domestic
231 animals, a fact which follows the logical economic notion of the
556 Rifians of presenting such animals as the most esteemed source of wealth, as among nomad tribes.[63] It should be remembered that in the
178 old Rifian society, the consumption of meat was limited by the scarcity
262 of pasturage to Fridays, the holidays and by physiological needs, and
231 was regulated by the common sacrifice of animals and by compensating
224 hunts on fixed days.

If the meat supply diminished and they considered it indispensable, it would be completely natural to take precautions to pre-
685 serve it.....For precisely this reason the Rifians judged the theft of
673 animals as a greater crime than that of grains, and sanctioned it accordingly.

671 8. QANUN OF THE AITH KHATTAB[64] (AITH WARYAGHAR), ESTABLISHING THE WEDNESDAY MARKET, AND GENERAL QANUN

A) Qanun:

Praise be to the One God. When peace reigned (literally,

671 surprised Raisuli so much later on[78] when he saw their warlike pro-
554 clivities, were employed in an executive capacity so far from their
693 real profession.

671 If we consider the time in which they were drawn up, quite
779 recently, this would show us these apparent confusions as a more advanced state of Islamization.

671 Going further in the reading of the qanun, we notice a confused editorship or translation in the examples which it gives us. We do not know if we are commenting on a qanun, the Rifian penal code,
671 or a shooting match. Why is it that if a man wounds someone in attack,
683 he must pay a fine of 100 duros, and if he misses him, he must pay double that amount? Because of his poor markmanship? But then instead of limiting aggressions, of tending to diminish damages and injuries to the individual and to society, were the Rifians thus impelled to aggravate them with this exhortation to perfect markmanship, a stimulus to murder? Undoubtedly there is much confusion here, and I myself am not certain how to explain it.

681 Common prestige and experience arm them and cause them all
443 to watch over and keep their guard against each other, stipulating the severest punishment, above their own individual interests, for those who attack in the market. They consider this a crime against the
[619] tribe, the worst crime in Rifian society, which is paid with violent
[673] death, without admission of the compensation which another qanun of the Aith Waryaghar[79] mentions, although this does not do so.

671 This qanun also shows us a very curious aspect of Berber society, in general and of Rifian society in particular, as we have commented above.